

CHAPTER NO. 319

HOUSE BILL NO. 1133

By Representative McMillan

Substituted for: Senate Bill No. 1080

By Senator Burks

AN ACT to amend Tennessee Code Annotated, Section 36-3-604, relative to the promulgation of forms for orders of protection.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-3-604, is amended by deleting the section in its entirety and substituting instead the following:

(a) The office of the clerk of court shall provide forms which may be necessary to seek a protection order under this part. These forms shall be limited to use in causes filed under this part and they shall be made available to all who request assistance in filing a petition. The petitioner is not limited to the use of these forms and may present to the court any legally sufficient petition in whatever form. The office of the clerk shall also assist a person who is not represented by counsel by filling in the name of the court on the petition, by indicating where the petitioner's name shall be filled in, by reading through the petition form with the petitioner, and by rendering any other such assistance as is necessary for the filing of the petition. All such petitions which are filed pro se shall be liberally construed in favor of the petitioner.

(b) The administrative office of the courts, in consultation with the domestic violence coordinating council, shall, by October 1, 2001, develop a "Petition for Orders of Protection" form, an "Amended Order of Protection" form, an "Ex Parte Order of Protection" form and such other forms as are found to be necessary and advisable. To the extent possible, the forms shall be uniform with those promulgated by surrounding states so that Tennessee forms may be afforded full faith and credit.

(c) These forms shall be used exclusively in all courts exercising jurisdiction over orders of protection.

SECTION 2. For purposes of the Supreme Court consulting and promulgating the specified forms, this act shall take effect upon becoming a law, the public welfare requiring it. Any forms so promulgated shall take effect as provided in the Supreme Court rule.

PASSED: May 21, 2001


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 30th day of May 2001


DON CONQUIST, GOVERNOR